

**IN THE UNITED STATES DISTRICT COURT OF THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: DIGITEK LITIGATION

MDL NO. 1968

THIS DOCUMENT APPLIES ONLY TO:

Scott Ferguson,

NO. 2:09-cv-00442

Plaintiff,

v.

Actavis Totowa, LLC, et al.,

Defendants.

PLAINTIFF'S RESPONSE TO MEMORANDUM OPINION AND ORDER

COMES NOW Plaintiff, Scott Ferguson, and in response to this Court's Memorandum Opinion and Order dated February 3, 2010, states as follows:

1. Counsel forwarded a copy of this Court's Memorandum Opinion and Order dated February 3, 2010 to Plaintiff via certified U.S. Mail on February 4, 2010. Plaintiff did respond to the certified mailing and received a copy of the same.
2. Plaintiff now indicates that he does wish to continue to pursue this civil action.
3. Plaintiff has since contacted counsel, provided appropriate update contact information and understands the importance of maintaining communication with counsel. Plaintiff has completed the Deficiency Response and executed the requested authorizations.
4. The completed Deficiency Response and Authorizations have now been forwarded to counsel for the Defendant.

Based on the forgoing, counsel for Plaintiff withdraws its previously filed motion to voluntarily dismiss, and respectfully requests this Court to allow this action to remain on the active docket.

/s/ E. Kirk Wood
E. Kirk Wood

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CERTIFICATE OF SERVICE

This is to certify that on this 22nd day of February, 2010, a copy of the foregoing was served on the following parties to this proceeding via Electronic Filing and/or U.S. Mail, properly addressed and first class postage pre-paid:

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